



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **Lindsey et al.**
Serial No.: **10/654,181**
Filed: **September 3, 2003**
For: ***Facile Synthesis of 1,9-Diacetyldipyrromethanes***

February 11, 2004

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of **September 3, 2003** rather than September 4, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of September 3, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Track & Confirm from the United States Postal Service website (www.usps.com) indicating receipt of the Express Mail package at the Post Office on September 3, 2003 and delivery of the package at the USPTO on September 4, 2003; and
4. A true and accurate copy of our return post card sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of September 4, 2003 instead of the Express Mail date of September 3, 2003.

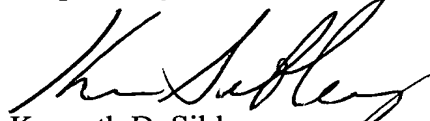
This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of September 3, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file

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this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Kenneth D. Sibley
Attorney For Applicant
Registration No. 31,665

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on February 11, 2004.

Lyndsey D. Hall, CP
Certified Paralegal



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5051.650

DATE: September 3, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Jonathan S. Lindsey; Shun-ichi Tamaru; Lianhe Yu

Entitled: **FACILE SYNTHESIS OF 1,9-DIACYLDIPYRROMETHANES**

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 49 pages of Specification (including 23 claims)
3. ☒ 1 sheets of Formal Drawings (35 USC 113)
4. ☐ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.


7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and _____ references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of _____ Application No. _____ ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$375.00	\$ 750.00
TOTAL CLAIMS	23 - 20 =	3	x 09 = \$	x 18 = \$54.00
INDEP CLAIMS	3 - 3 =	0	x 42 = \$	x 84 = \$
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$804.00

- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ _____ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☒ Please charge my Deposit Account No. 50-0220 in the amount of \$804.00.
- ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Kenneth D. Sibley
Registration No. 31,665

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV318420616US

Date of Deposit: September 3, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450


Vickie Diane Prior



Track & Confirm

Shipment Details

You entered EV31 8420 616U S

Your item was delivered at 10:23 am on September 04, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by J STECKEL.

Here is what happened earlier:

- ARRIVAL AT UNIT, September 04, 2003, 8:21 am, DULLES, VA 20102
- ENROUTE, September 03, 2003, 7:37 pm, RALEIGH, NC 27623
- ACCEPTANCE, September 03, 2003, 5:34 pm, RALEIGH, NC 27612

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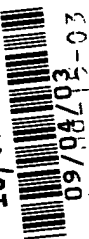
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22387 U.S. PTO 5051.650/KDS:vp
10/654181 September 3, 2003



Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir: Kindly acknowledge receipt of the accompanying by placing your
receiving date stamp hereon and mailing:
Re: Lindsey, et al.; For: Facile Synthesis Of 1,9-Diacetyldipyrromethanes/

Re: Lindsey, et al.; For: Facile Synthesis Of 1,9-Diacetyldipyrromethanes/ 49 PP., 23
APPLICATION TRANSMITTAL; SPECIFICATION
CLAIMS; 1 SHEETS FORMAL DRAWING
EXPRESS MAIL EV318420616US

Respectfully,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

